

A bill for an act

relating to game and fish; modifying refund provisions; modifying certain definitions; modifying publication requirements; modifying restrictions in migratory feeding and resting areas; providing certain exemptions from local law; modifying wild animal and fish taking, possession, and licensing requirements; authorizing certain fees; requiring rulemaking; amending Minnesota Statutes 2008, sections 17.4981; 17.4988, subdivision 3; 84.788, subdivision 11; 84.798, subdivision 10; 84.82, subdivision 11; 84.922, subdivision 12; 86B.415, subdivision 11; 97A.015, subdivision 39; 97A.051, subdivision 2; 97A.095, subdivision 2; 97A.137, by adding a subdivision; 97A.445, subdivision 1, by adding a subdivision; 97A.451, subdivision 3; 97A.475, subdivisions 3, 11, 12, 29; 97A.525, subdivision 1; 97B.041; 97B.086; 97B.111, subdivision 1; 97B.651; 97C.355, subdivision 2; repealing Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97C.405; Laws 2008, chapter 368, article 2, section 25.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 17.4981, is amended to read:

17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC FARMS.

(a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life is not wildlife. Aquatic farms must be licensed and given classifications to prevent or minimize impacts on natural resources. The purpose of sections 17.4981 to 17.4997 is to:

- (1) prevent public aquatic life from entering an aquatic farm;
- (2) prevent release of nonindigenous or exotic species into public waters without approval of the commissioner;
- (3) protect against release of disease pathogens to public waters;
- (4) protect existing natural aquatic habitats and the wildlife dependent on them; and
- (5) protect private aquatic life from unauthorized taking or harvest.

(b) Private aquatic life that is legally acquired and possessed is an article of interstate commerce and may be restricted only as necessary to protect state fish and water resources.

(c) The commissioner of natural resources shall establish license and other fees as provided in section 16A.1285, subdivision 2, that would make aquaculture licensing and enforcement self-sustaining. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish the fees required by this section. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner shall develop best management practices for aquaculture to ensure the long-term sustainability of aquaculture and wetlands used for aquaculture, including, but not limited to, fish farming in man-made ponds.

Sec. 2. Minnesota Statutes 2008, section 17.4988, subdivision 3, is amended to read:

Subd. 3. **Inspection and additional fees.** Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees for the services listed in clauses (1) to (3) and the additional fee required under subdivision 2, paragraph (a). The fees must be set in an amount that does not recover significantly more or less than the cost of providing the service. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The services covered under this provision include:

- (1) initial inspection of each water to be licensed;
- (2) fish health inspection and certification, including initial tissue sample collection, basic fish health assessment, viral pathogen testing, and bacteriological testing; and
- (3) initial inspection for containment and quarantine facility inspections.

Sec. 3. Minnesota Statutes 2008, section 84.788, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 3, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration, the registration is not used or transferred, and:

- (1) the off-highway motorcycle was registered incorrectly ~~by the commissioner or the deputy registrar~~;
- (2) the off-highway motorcycle was registered twice, once by the dealer and once by the customer.

Sec. 4. Minnesota Statutes 2008, section 84.798, subdivision 10, is amended to read:

Subd. 10. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 3, paragraph (b), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration ~~and the vehicle was registered incorrectly by the commissioner or the deputy registrar,~~ the registration is not used or transferred, and:

- (1) the off-road vehicle was registered incorrectly; or
- (2) the off-road vehicle was registered twice, once by the dealer and once by the customer.

Sec. 5. Minnesota Statutes 2008, section 84.82, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration, the registration is not used or transferred, and:

- ~~(1) the snowmobile was registered incorrectly by the commissioner or the deputy registrar; or~~
- (2) the snowmobile was registered twice, once by the dealer and once by the customer.

Sec. 6. Minnesota Statutes 2008, section 84.922, subdivision 12, is amended to read:

Subd. 12. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration, the registration is not used or transferred, and:

- ~~(1) the vehicle was registered incorrectly by the commissioner or the deputy registrar; or~~
- (2) the vehicle was registered twice, once by the dealer and once by the customer.

Sec. 7. Minnesota Statutes 2008, section 86B.415, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a license or title, not including any issuing fees paid under subdivision 8 or section 84.027, subdivision 15, paragraph (a), clause (3), or 86B.870, subdivision 1, paragraph (b), if the refund request is received within ~~12 months~~ 60 days of the original license or title, the license or title is not used or transferred, and:

- (1) the watercraft was licensed or titled incorrectly ~~by the commissioner or the deputy registrar;~~

(2) the customer was incorrectly charged a title fee; or
(3) the watercraft was licensed or titled twice, once by the dealer and once by the customer.

Sec. 8. Minnesota Statutes 2008, section 97A.015, subdivision 39, is amended to read:

Subd. 39. **Protected wild animals.** "Protected wild animals" are the following wild animals: big game, small game, game fish, rough fish, minnows, leeches, alewives, ciscoes, chubs, and lake whitefish, and the subfamily Coregoninae, rainbow smelt, frogs, turtles, clams, mussels, gray wolf, mourning doves, and wild animals that are protected by a restriction in the time or manner of taking, other than a restriction in the use of artificial lights, poison, or motor vehicles or a restriction on taking and possessing the animals alive.

Sec. 9. Minnesota Statutes 2008, section 97A.051, subdivision 2, is amended to read:

Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a summary of the hunting and fishing laws and rules and deliver a sufficient supply to ~~county auditors~~ license vendors to furnish one copy to each person obtaining a hunting, fishing, or trapping license.

(b) At the beginning of the summary, under the heading "Trespass," the commissioner shall summarize the trespass provisions under sections 97B.001 to 97B.945, state that conservation officers and peace officers must enforce the trespass laws, and state the penalties for trespassing.

(c) In the summary the commissioner shall, under the heading "Duty to Render Aid," summarize the requirements under section 609.662 and state the penalties for failure to render aid to a person injured by gunshot.

Sec. 10. Minnesota Statutes 2008, section 97A.095, subdivision 2, is amended to read:

Subd. 2. **Waterfowl feeding and resting areas.** The commissioner may, by rule, designate any part of a lake as a migratory feeding and resting area. Before designation, the commissioner must receive a petition signed by at least ten local resident licensed hunters describing the area of a lake that is a substantial feeding or resting area for migratory waterfowl, and find that the statements in the petition are correct, and that adequate, free public access to the lake exists near the designated area. The commissioner shall post the area as a migratory waterfowl feeding and resting area. Except as authorized in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl feeding and resting area, during a period when hunting of migratory waterfowl is allowed, with watercraft or aircraft propelled by a motor, other than an electric motor ~~of less than~~

5.1 ~~30 pounds thrust~~ with battery power of 12 volts or less. The commissioner may, by rule,
5.2 further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

5.3 Sec. 11. Minnesota Statutes 2008, section 97A.137, is amended by adding a
5.4 subdivision to read:

5.5 Subd. 4. **Exemption from certain local ordinances.** (a) Wildlife management
5.6 areas that are established according to section 86A.05, subdivision 8; designated under
5.7 section 97A.133 or 97A.145; and 160 contiguous acres or larger are exempt from local
5.8 ordinances that limit the use and management of the unit as authorized by state law.

5.9 (b) Wildlife management areas that are established according to section 86A.05,
5.10 subdivision 8; designated under section 97A.133 or 97A.145; and at least 40 contiguous
5.11 acres and less than 160 contiguous acres are exempt from local ordinances that:

5.12 (1) restrict trapping;

5.13 (2) restrict the discharge of archery equipment;

5.14 (3) restrict the discharge of shotguns with shot sizes of number four buckshot or
5.15 smaller diameter shot;

5.16 (4) restrict noise;

5.17 (5) require dogs on a leash; or

5.18 (6) would in any manner restrict the management of the unit as authorized by
5.19 state law.

5.20 Sec. 12. Minnesota Statutes 2008, section 97A.445, subdivision 1, is amended to read:

5.21 Subdivision 1. **Angling; Take a Kid Fishing Weekends.** A resident ~~over age 18~~ age
5.22 16 years or older may take fish by angling without an angling or fish house license during
5.23 one three-day consecutive period of the open water angling season and one three-day
5.24 consecutive period of the ice angling season designated by rule of the commissioner
5.25 if accompanied by a child who is under age 16. The commissioner shall publicize the
5.26 three-day periods as "Take a Kid Fishing Weekend" for the open water angling season and
5.27 "Take a Kid Ice Fishing Weekend" for the ice angling season.

5.28 Sec. 13. Minnesota Statutes 2008, section 97A.445, is amended by adding a
5.29 subdivision to read:

5.30 Subd. 1a. **Angling; Take a Kid Fishing in a State Park.** A resident age 16 or older
5.31 may take fish by angling without an angling license in a state park or state recreation area
5.32 if accompanied by a child who is under age 16.

Sec. 14. Minnesota Statutes 2008, section 97A.451, subdivision 3, is amended to read:

Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 ~~must~~
~~may not obtain a small game license in order to~~ but may take small game by firearms or
bow and arrow without ~~paying the applicable fees under section 97A.475, subdivisions 2,~~
~~4, and 5, a license~~ if the resident is:

(1) age 14 or 15 and possesses a firearms safety certificate;

(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or
guardian;

(3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied
by a parent or guardian who possesses a small game license that was not obtained using an
apprentice hunter validation; or

(4) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game
license, but a resident 13 years of age or older must have a trapping license. A resident
under age 13 may trap without a trapping license, but may not register fisher, otter,
bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat,
or pine marten taken by a resident under age five must be included in the limit of the
accompanying parent or guardian.

(c) A resident under age 12 may apply for a turkey license and may take a turkey
without a firearms safety certificate if the resident is accompanied by an adult parent or
guardian who has a firearms safety certificate.

(d) A resident under age 12 may apply for a prairie chicken license and may take a
prairie chicken without a firearms safety certificate if the resident is accompanied by an
adult parent or guardian who has a firearms safety certificate.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 15. Minnesota Statutes 2008, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued
to nonresidents, are:

(1) for persons age 18 or over to take small game, \$73;

(2) for persons age 18 or over to take deer with firearms during the regular firearms
season, \$135;

(3) for persons age 18 or over to take deer by archery, \$135;

(4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
season, \$135;

(5) to take bear, \$195;

- (6) for persons age 18 and older to take turkey, \$78;
- (7) for persons under age 18 to take turkey, \$12;
- (8) to take raccoon or bobcat, \$155;
- (9) multizone license to take antlered deer in more than one zone, \$270;
- (10) to take Canada geese during a special season, \$4;
- (11) for persons under age 18 to take deer with firearms during the regular firearms season in any open season option or time period, \$13;
- (12) for persons under age 18 to take deer by archery, \$13; and
- (13) for persons under age 18 to take deer during the muzzleloader season, \$13.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses (1) to (9). An additional commission may not be assessed on this surcharge.

Sec. 16. Minnesota Statutes 2008, section 97A.475, subdivision 11, is amended to read:

Subd. 11. **Fish houses ~~and~~, dark houses, and shelters; residents.** Fees for the following licenses are:

- (1) annual for a fish house ~~or~~, dark house, or shelter that is not rented, \$11.50;
- (2) annual for a fish house ~~or~~, dark house, or shelter that is rented, \$26;
- (3) three-year for a fish house ~~or~~, dark house, or shelter that is not rented, \$34.50; and
- (4) three-year for a fish house ~~or~~, dark house, or shelter that is rented, \$78.

Sec. 17. Minnesota Statutes 2008, section 97A.475, subdivision 12, is amended to read:

Subd. 12. **Fish houses and shelters; nonresident.** Fees for fish house and shelter licenses for a nonresident are:

- (1) annual, \$33;
- (2) seven consecutive days, \$19; and
- (3) three-year, \$99.

Sec. 18. Minnesota Statutes 2008, section 97A.475, subdivision 29, is amended to read:

Subd. 29. **Private fish hatcheries.** The fees for the following licenses to be issued to residents and nonresidents are:

- (1) for a private fish hatchery, with annual sales under \$200, \$70;
- (2) for a private fish hatchery, with annual sales of \$200 or more, \$210 for the base license. The commissioner must establish an additional fee based on the acreage of the operation. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish the additional fee required by this subdivision.

The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply; and

(3) to take sucker eggs from public waters for a private fish hatchery, \$400, plus \$6 for each quart in excess of 100 quarts.

Sec. 19. Minnesota Statutes 2008, section 97A.525, subdivision 1, is amended to read:

Subdivision 1. **Residents Generally.** A resident person may transport wild animals ~~within the state~~ by common carrier without being in the vehicle if the resident person has the license required to take the animals and they are shipped to the resident person or to a licensed taxidermist, tanner, or fur buyer. ~~The wild animals that may be transported by common carrier are:~~

~~(1) deer, bear, elk, and moose;~~

~~(2) undressed game birds; and~~

~~(3) fish.~~

Sec. 20. Minnesota Statutes 2008, section 97B.041, is amended to read:

97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area and during that season may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle capable of firing only rimfire cartridges of .17 and .22 caliber, including .22 magnum caliber cartridges;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

~~This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during that season.~~

Sec. 21. Minnesota Statutes 2008, section 97B.086, is amended to read:

97B.086 POSSESSION OF NIGHT VISION EQUIPMENT.

(a) A person may not possess night vision ~~goggle~~ equipment while taking wild animals or while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to take wild animals.

(b) This section does not apply to a firearm that is:

(1) unloaded;

(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and

(3) in the closed trunk of a motor vehicle.

(c) This section does not apply to a bow that is:

(1) completely encased or unstrung; and

(2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.

~~(e) This section does not apply to night vision goggle equipment possessed by peace officers or military personnel while exercising their duties.~~

Sec. 22. Minnesota Statutes 2008, section 97B.111, subdivision 1, is amended to read:

Subdivision 1. **Establishment; requirements.** The commissioner may establish criteria, special seasons, and limits for persons who have a physical disability to take big game and small game with firearms and by archery in designated areas. A person hunting under this section who has a physical disability must have a verified statement of the disability by a licensed physician and must be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under subdivision 2. Notwithstanding section 97B.055, subdivision 3, the commissioner may authorize hunt participants to shoot from a stationary motor vehicle. A license is not required for a person to assist a physically disabled person hunting during a special season under this section.

Sec. 23. Minnesota Statutes 2008, section 97B.651, is amended to read:

97B.651 UNPROTECTED MAMMALS AND BIRDS.

Subdivision 1. Taking unprotected mammals and birds. Mammals that are unprotected wild animals and unprotected birds may be taken at any time and in any manner, except with artificial lights, or by using a motor vehicle in violation of section 97B.091. Poison may not be used to take unprotected mammals or unprotected birds

unless the safety of humans and domestic livestock is ensured. Unprotected mammals and unprotected birds may be possessed, bought, sold, or transported in any quantity, except as provided in subdivision 2.

Subd. 2. Taking and possessing live coyotes. A person may not remove a live coyote from the site where taken and may not possess, transport, buy, or sell a live coyote at any time.

Sec. 24. Minnesota Statutes 2008, section 97C.355, subdivision 2, is amended to read:

Subd. 2. **License required.** A person may not leave a dark house ~~or~~, fish house, or shelter unattended on the ice at any time between midnight and one hour before sunrise unless the house or shelter is licensed and has ~~a~~ the license tag attached to the exterior in a readily visible location, except as provided in this subdivision. The commissioner must issue a tag with a dark house ~~or~~, fish house, or shelter license, marked with a number to correspond with the license and the year of issue. A dark house ~~or~~, fish house, or shelter license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity.

Sec. 25. **RULEMAKING.**

(a) The commissioner of natural resources shall adopt or amend rules to establish minimum size limits for muskellunge on inland waters consistent with the provisions of this section. The commissioner must:

(1) establish a 48-inch statewide minimum size restriction for muskellunge and muskellunge-northern pike hybrids in inland waters, except for the lakes listed in clause (2) that are managed specifically for muskellunge-northern pike hybrids in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties; and

(2) establish a 40-inch minimum size restriction for muskellunge-northern pike hybrids in the following lakes in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties:

<u>LAKE</u>	<u>COUNTY</u>
<u>Bryant</u>	<u>Hennepin</u>
<u>Bush</u>	<u>Hennepin</u>
<u>Calhoun</u>	<u>Hennepin</u>
<u>Cedar</u>	<u>Hennepin</u>
<u>Cedar</u>	<u>Scott</u>
<u>Clear</u>	<u>Washington</u>
<u>Crystal</u>	<u>Dakota</u>
<u>Crystal</u>	<u>Hennepin</u>

11.1	<u>Eagle</u>	<u>Carver</u>
11.2	<u>Elmo</u>	<u>Washington</u>
11.3	<u>Gervais</u>	<u>Ramsey</u>
11.4	<u>Island</u>	<u>Ramsey</u>
11.5	<u>Isles</u>	<u>Hennepin</u>
11.6	<u>Johanna</u>	<u>Ramsey</u>
11.7	<u>Nokomis</u>	<u>Hennepin</u>
11.8	<u>Orchard</u>	<u>Dakota</u>
11.9	<u>Phalen</u>	<u>Ramsey</u>
11.10	<u>Pierson</u>	<u>Carver</u>
11.11	<u>Silver</u>	<u>Ramsey</u>
11.12	<u>Wasserman</u>	<u>Carver</u>
11.13	<u>Weaver</u>	<u>Hennepin</u>

11.14 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
11.15 section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section
11.16 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

11.17 Sec. 26. **REPEALER.**

11.18 (a) Minnesota Statutes 2008, sections 97A.525, subdivision 2; and 97C.405, are
11.19 repealed.

11.20 (b) Laws 2008, chapter 368, article 2, section 25, the effective date, is repealed the
11.21 day following final enactment.

APPENDIX
Repealed Minnesota Statutes: 09-2480

97A.525 TRANSPORTATION OF WILD ANIMALS BY COMMON CARRIER.

Subd. 2. **Nonresidents.** A nonresident may transport wild animals by common carrier without being in the vehicle if the nonresident has the license required to take the animals and they are shipped to the nonresident.

97C.405 MUSKELLUNGE SIZE LIMITS.

(a) Except as allowed under paragraph (b), if a person catches a muskellunge less than 40 inches long, the person must immediately release the fish into the waters.

(b) The commissioner may designate lakes north of Trunk Highway No. 210 where muskellunge less than 40 inches, but not less than 30 inches long, may be retained.

APPENDIX
Repealed Minnesota Session Laws: 09-2480

Laws 2008, chapter 368, article 2, section 25

Sec. 25. Minnesota Statutes 2007 Supplement, section 97A.451, subdivision 3, is amended to read:

Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 must obtain a small game license in order to take small game by firearms or bow and arrow without paying the applicable fees under section 97A.475, subdivisions 2, 4, and 5, if the resident is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;
- (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation; or
- (4) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not register fisher, otter, bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat, or pine marten taken by a resident under age five must be included in the limit of the accompanying parent or guardian.

(c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

(d) A resident under age 12 may apply for a prairie chicken license and may take a prairie chicken without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.